

Remarks

Claims 1-4 stand finally rejected under 35 U.S.C. §103 over U. S. Patent No. 6,354,142 to Nothhelfer et al. (Nothhelfer) in view of one of U. S. Patent No. 5,373,729 to Seigeot (Seigeot) and U. S. Patent No. 5,182,076 to de Seroux, et al.(de Seroux).

Claim 1 is directed to a foil leak detection chamber including an edge zone which can be evacuated independent of a test chamber.

Nothhelfer, the primary reference, describes a foil leak detection chamber having a test chamber and an edge zone that is evacuated simultaneously and in a dependent manner.

According to the MPEP 2143, three basic criteria must be met to establish a *prima facie* case of obviousness. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references, when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Applicants herein further emphasize the requirement for establishing a case of *prima facie* obviousness that references, when combined, teach *all* claim limitations, not just certain claim limitations. Claim 1 requires foils which are mounted on frames, a test chamber composed of the foils, a seal arranged between the frames and at least one bore hole which opens out into an edge zone of the foil leak detection chamber which can be evacuated independent of the test chamber. Claim 1 also teaches an edge zone delimited by two frames and a double seal arrangement. The Examiner admits that the primary reference, Nothhelfer, fails to teach a foil leak detection system having an edge zone which can be evacuated independent of the test chamber.

The reference relied upon in modifying Nothhelfer also does not teach the claim limitations of Claim 1. Seigeot does not teach a foil frame having a bore hole. Seigeot teaches only a bell shaped cover having a bore hole opening opposite a conveyor belt. Seigeot also fails to teach an edge zone delimited by two frames and a double seal arrangement. The purported edge zone of Seigeot is delimited by a bell shaped cover and a conveyor belt. To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. MPEP §2143.03. At least because neither Nothhelfer nor Seigeot (alone or in combination) teach either of a foil frame bore hole opening out to an edge zone of a foil leak detection chamber or an edge zone delimited by two foil frames, the combination of Nothhelfer and Seigeot cannot be said to sustain a prima facie case of obviousness as to Claim 1.

The purported edge zone of Seigeot is defined between a bell shaped cover and a conveyor belt. As best understood, difficulties in controlling the surface characteristic of the conveyor belt of the Seigeot apparatus bring about a need for a special seal. The surface of the conveyor belt should be nonperforated and nonporous (Seigeot, Column 2, Line 43). An additional component is necessary where the belt is not highly rigid (Seigeot, Column 2, Line 67). The Examiner argues that if the purported edge zone of Seigeot were incorporated into the structure of Nothhelfer, the Applicants' invention is arrived at. This is not true. If the purported edge zone of Seigeot defined by a bell shaped cover and a conveyor belt were incorporated into Nothhelfer, Nothhelfer would include a bell shaped cover and conveyor belt and the functionality of the primary reference would be destroyed. Specifically, if the purported edge zone of Seigeot were incorporated into Nothhelfer, Nothhelfer would no longer have a test chamber defined by foil. The test chamber would presumably be defined by a combination of a bell shaped cover and a conveyor belt.

Regarding Claim 2, Claim 2 is believed to be allowable at least for the reason it depends on an allowable base claim and for the additional competitive of elements recited therein.

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Applicants also submit new Claims 5-7. Claims 5-7 were not presented earlier because Applicants believe that the original claims clearly distinguish over the prior art and should have been allowed.

It is believed the present amendments and remarks place the application in condition for allowance. Accordingly, in view of the above amendments and remarks, Applicants believe the specification and claims of the present application to be in condition for allowance and respectfully request reconsideration and passage to allowance of the application.

If the Examiner believes that contact with Applicants' attorney would be advantageous toward the disposition of this case, the Examiner is herein requested to call Applicants' attorney at the number noted below.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-0289.

Respectfully submitted,

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